PEOPLE FOR
THE AMERICAN WAY
Your Voice Against Intolerance

STATE & LOCAL ANTI-GAY INITIATIVES & LEGISLATION REPORT

MARCH-APRIL 1996

This is not a comprehensive report of all the anti-gay bills introduced or laws passed around the country, but rather a sample of the range of anti-gay activities taking place and a source of selected information and contacts. To learn more about anti-gay activity covered in this report or to inform us of other local or state anti-gay activity, please contact Alison Streit at People For the American Way, (202) 467-2338 or astreit@pfaw.org. ***This report is also available via electronic mail.***

Anti-gay activity at the local, state and federal levels, including activity in legislative bodies, on statewide ballots and in the courts, continues around the country. In particular, same-sex marriage is an increasing target of attack by the Religious Right and others.

- In anticipation of a ruling on a same-sex marriage case pending before the Hawaii Supreme Court, bills have been introduced in *Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia, Wisconsin and Wyoming* that would prohibit same-sex marriages or the recognition of such marriages performed in other states. Some of the bills have already expired or been withdrawn or defeated, including those in *Florida, Iowa, Maine, Maryland, Mississippi, New Mexico, Virginia, Washington, West Virginia, and Wyoming*, but others are expected to be introduced, for example in *Pennsylvania.* Such bills have passed one chamber in *California, Hawaii, Iowa, Oklahoma, Tennessee and Washington.* A bill in *Kansas* is in a House-Senate conference committee; if it passes, it will go before the governor. A bill in *Georgia* has passed the legislature and awaits the governor's signature there; *Colorado's* governor just vetoed the bill sent to him by that state's legislature. *South Dakota* and *Idaho* bills have passed the legislature and been signed into law; these states now join *Utah*, which enacted its anti-gay marriage law last year. According to the Family Research Council, a Religious Right organization, a "Defense of Marriage" Act is being drafted in the United States Senate.
- The Christian Coalition, the Traditional Values Coalition, Concerned Women for America, the Eagle Forum, the American Family Association, The Report, Colorado for Family Values, the Cincinnati-based Equal Rights Not Special Rights, and other anti-gay groups launched a "National Campaign to Protect Marriage," beginning with a rally in Iowa on February 10th with Republican presidential candidates Pat Buchanan, Phil Gramm, and Alan Keyes in attendance. Other features of the Campaign are a "Marriage Protection Resolution," endorsed by all the Republican candidates except Richard Lugar, and a new video, "The Ultimate Target of the Gay Agenda: Same Sex Marriage."
- A U.S. defense authorization bill, approved by both houses of Congress two months ago, includes a provision that would force the military to discharge servicemembers and other employees who test positive for HIV. On March 19, the Senate voted 79-21 to repeal the discharge provision, passing an amendment introduced by Sens. Edward Kennedy and William Cohen. The amendment

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was offered to a budget bill that will now go to a House-Senate conference committee; the House version of the budget bill does not include language repealing the discharge provision.

- A subcommittee of the U.S. House of Representatives held long-awaited hearings in December on the so-called "promotion" of homosexuality in public schools, fulfilling Speaker Newt Gingrich's promise to the Traditional Values Coalition's Rev. Lou Sheldon. Legislation and resolutions have been introduced in various states and localities, including Arizona, Kentucky, Missouri, and Oklahoma, opposing such "promotion." In addition, bills have been introduced in Georgia and Utah that would prohibit state funds from being used to support anything in violation of state laws, namely sodomy. On a positive note, in January, a federal court struck down an Alabama law prohibiting recognition or funding of gay student groups at public universities.
- Collection of signatures began in a campaign to get a statewide anti-gay initiative on the November 1996 ballot in Oregon. A group in Idaho has been gathering signatures for a new statewide anti-gay ballot initiative, and in Broward County, Florida, an anti-gay campaign is underway to repeal a pro-gay rights measure adopted in June. Proponents of two statewide anti-gay initiatives in Washington state were defeated when they failed to collect enough signatures, though a new initiative has recently been filed.
- The U.S. Supreme Court heard arguments on Colorado's anti-gay Amendment 2 on October 10. The Court has also been asked to review Issue 3, an anti-gay ballot initiative passed in Cincinnati, Ohio in 1993. The initiative had been ruled unconstitutional by a federal district court judge in 1994, but was declared constitutional and reinstated by a U.S. Court of Appeals in May of 1995.
- A proposed constitutional amendment in Kentucky would give the state legislature the power to recriminalize sodomy in that state. Sodomy laws have recently been struck down by courts in Tennessee and Montana but upheld in Georgia.

Fighting anti-gay activity requires cooperative action and information-sharing among mainstream and progressive organizations in each state. People For the American Way has convened broad-based networks in 20 states to fight the Religious Right's political agenda and build a progressive movement. In addition, *Hostile Climate 1995*, People For the American Way's 124-page annual report documenting 180 anti-gay incidents nationwide, is now available from our Washington office for $10.95/copy for non-members and $9.95/copy for members (sorry, pre-paid mail orders only).

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ALASKA

An amended version of HB 226, which would have required employers to provide health benefits for domestic partners as well as spouses of employees, was stripped of the provisions for domestic partnership benefits in the House Finance Committee. It now sits in the Rules Committee until the Speaker decides to schedule it for a floor vote.

Introduced by Republican Reps. Pete Kelly and Norman Rokeberg, HB 226 originally amended a non-discrimination bill to allow employers to deny benefits to domestic partners. Last year, in the first half of the two-year legislative session, the Health, Education and Social Services Committee effectively voided HB 226 by amending it to require employers to provide domestic partnership benefits. Representative

Kelly then announced he would try to get the unamended version heard when the legislative session returned in January.

HB 226 was introduced in response to a Fairbanks Superior Court ruling in favor of two employees of the University of Alaska - Fairbanks who sought insurance benefits for their same-sex partners. The university appealed the case to the Alaska Supreme Court, where it is pending.

Another bill introduced by Representatives Kelly and Rokeberg, HB 227, seeks to prohibit same-sex marriage by specifying that "[m]arriage is a civil contract entered into by one man and one woman...." HB 227 has languished in a House committee since last year, but SB 308, another anti-gay marriage bill, has passed through two committees in the Senate and could be voted on and sent to the House. A lawsuit is pending in the Anchorage Superior Court challenging the state's decision not to grant a marriage license to the two male plaintiffs.

∇ State contact: State Rep. Caren Robinson, State Capitol, Room 114, Juneau, AK, 99801-1182; (907) 465-3744; Attn. Carla Timpone, Legislative Aide.

CALIFORNIA

On January 30, the Republican-controlled Assembly voted 41-31 to pass AB 1982, which would prevent California from recognizing same-sex marriages performed in other states. Introduced by Assemblyman Pete Knight and co-sponsored by 29 Republicans, the bill is a pre-emptive move against the expected legalization of same-sex marriage in Hawaii in the next two years. The bill now passes to the Democratic-controlled Senate.

On February 23, in anticipation of the expiration of AB 1982 in the Senate Judiciary Committee, Assemblyman Knight introduced another bill against same-sex marriages, AB 3227. If it is passed by the Assembly, it will keep the issue alive in the Senate for the remainder of the legislative session.

∇ Legislative contact: LIFE: California's Lesbian/Gay and AIDS Lobby and League, 926 J Street, Ste. 522, Sacramento, CA, 95814; (916) 444-0424; Attn. Laurie McBride, Executive Director.

COLORADO

Romer v. Evans, the case challenging Colorado's Amendment 2, the statewide anti-gay initiative passed by voters in 1992, was argued before the U.S. Supreme Court in October. Amendment 2 repeals existing laws and policies protecting gay men and lesbians from discrimination and prevents local governments from passing such laws in the future. The Colorado Supreme Court ruled the initiative unconstitutional in October 1994, reaffirming a district court's ruling that the state had failed to show any "compelling interest" to justify the amendment. Colorado Governor Roy Romer (D) and State Attorney General Gale Norton argued that the Colorado Supreme Court's decision violates the wishes of the majority of voters to adopt the amendment. Attorneys arguing against Amendment 2 maintained that voters do not have the authority to violate the U.S. Constitution's guarantee of equal protection under the law.

Following the argument in the Supreme Court, legal experts were optimistic that the Court will find Amendment 2 unconstitutional. The Justices seemed skeptical of Colorado's arguments. Justice Sandra Day O'Connor said that the language of Amendment 2 was "so broad" that it "would seem to allow a library to refuse to lend books" to gay people. Justice Antonin Scalia said he had never known a state to try to "fence out" a class of people, and Justice David Souter asked, "[W]hy is discrimination against one group dealt with differently than discrimination against others?"

The U.S. Supreme Court decision to take the case indicates that at least four Justices believe the lower court decision merits review. The last time the Supreme Court heard a case involving gay and lesbian rights, in 1986, it upheld Georgia's anti-sodomy law, ruling that there is no constitutional right to private, consensual, same-sex sexual activity. A Supreme Court decision on Amendment 2's constitutionality is expected by June.

Kevin Tebedo resigned as Executive Director of Colorado for Family Values (CFV), the organization that sponsored Amendment 2, stating that he wants to move beyond CFV's focus on opposing "special rights" for gays. "[P]reventing special rights for homosexuality is only one part of the puzzle, and is incapable, by itself, of effectually halting the larger threat that open acceptance of homosexuality poses to our communities, children, and culture," he said. Just prior to his resignation, Tebedo had come under attack for supporting Colin Cook, a counselor featured in CFV seminars. Cook claims to "convert" gay men but now stands accused by former clients of having phone sex with them. Tebedo is now among the leaders of the newly-launched National Campaign to Protect Marriage, a coalition of "pro-family" groups, and he recently announced that he is considering a run for a seat in the Colorado House of Representatives.

On March 25, Governor Roy Romer vetoed HB 1291, a bill to ban recognition of same-sex marriages, calling it "mean-spirited and unnecessary." The Colorado Senate had approved the bill on March 11 by a vote of 20-14, sending it back to the House with only a slight amendment; the House, which had passed the original bill by a 33-31 vote, gave final approval to the Senate version on March 13 by a 36-27 vote. Gay-rights activists had been hopeful that the bill would die in the Senate, which is more moderate than the House, though also Republican-controlled. A significant number of House Republicans, 9 of 41, voted against the bill; Republican Rep. Ken Chlouber made a strong floor speech against it, saying government has "no business intruding" into such a private matter.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (202) 995-8585; Attn. Suzanne Goldberg.

DISTRICT OF COLUMBIA

The U.S. Congress has so far been unable to reach a compromise on the D.C. 1996 fiscal appropriations bill, which the House and Senate have been negotiating since the fall. The appropriations bill, which is currently stalled because of Democratic opposition to a Republican school voucher proposal, contains provisions for funding the District's domestic partnership and adoptions laws. In January of this year, the House passed language that prohibits the District of Columbia from implementing its domestic partnership law with either federal or local funds and prohibits adoptions by unmarried couples, including gay men and lesbians.

Each year since the District's 1992 passage of its domestic partnership law, which allows domestic partners to register with the city and provides some benefits to partners of government employees, Congress has included provisions in the District appropriations bill that prohibit the city's use of either federal *or* local funding to implement it the law. Last fall, the Senate for the first time approved language that would allow the city to use its own funds to implement the law; but the House voted to repeal the law completely, after freshman Republican Rep. John Hostettler from Indiana argued that the law threatens the traditional American family. The House bill passed this January discarded the Hostettler amendment, though it still does not permit the law to be implemented.

An anti-gay amendment was also offered to the appropriations bill last fall that would change the District's adoption statute to prohibit unmarried couples from adopting. That amendment was offered by Arkansas Republican Rep. Jay Dickey, after Concerned Women for America and other Religious Right groups called on Congress to ban gay adoptions. A District of Columbia Court of Appeals had just ruled that the city's adoption law permits unmarried couples, including gay and lesbian couples, to adopt children together. While Dickey's amendment was intended to prevent gay men and lesbians from adopting at all, the language passed by the House in January prohibits joint adoptions by unmarried people but permits adoptions by single people, including gay men and lesbians, and allows their partners to adopt the child at a later date.

∇ Legislative contact: People For the American Way, 2000 M Street NW, Ste. 400, Washington, DC, 20036; (202) 467-4999; Attn. Rebecca Isaacs.

FLORIDA

Alachua County

The legal challenge filed in the Florida Circuit Court against Amendment 1, one of two anti-gay initiatives approved by county voters in November 1994, is proceeding. The suit was filed in January 1995 by Lambda Legal Defense and Education Fund and local attorneys on behalf of seven plaintiffs. In March, the National Legal Foundation, a Religious Right group headed by Robert Skolrood, joined in the lawsuit to defend Amendment 1.

A local Religious Right group, Concerned Citizens of Alachua County, led the campaign to place the anti-gay initiatives on the ballot. Amendment 1 would amend the county charter to prohibit the county government from ever again passing any ordinance protecting people from discrimination based on sexual orientation. The other initiative approved in November repeals protections against anti-gay discrimination passed by the Alachua County Commission in April 1993. There is no legal challenge to the repeal initiative.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn. Suzanne Goldberg.

Broward County

In June of 1995, the Broward County Commission approved, by a 6-1 vote, an amendment to the county's human rights ordinance providing anti-discrimination protections in employment, housing and public accommodations based on sexual orientation. In response, Religious Right leader Ralf Stores of the American Family Association (AFA) launched a petition drive to force a referendum to repeal the measure. The political action committee called "Take Back Broward" is reminiscent of AFA leader David Caton's "Take Back Tampa" campaign in 1992. Take Back Broward must collect 46,310 signatures to put the measure to a referendum in November 1996; there were not enough signatures gathered to qualify it for the March 1996 ballot. Nevertheless, Take Back Broward organizers hoped to gather signatures at the polls this month, when Republican voters turned out for the presidential primary. A public education and "Decline to Sign" campaign, an attempt to counteract the signature-gathering activities of Take Back Broward, was launched in September by Americans For Equality, which supports the gay-rights amendment.

On February 28, the Broward County Commission voted in a new law, to take effect March 11, that requires that signatures be collected within 180 days in order to place a measure on the local ballot. Currently, signatures must be gathered by 90 days before the ballot, but those that have been gathered do not expire, so collection could theoretically go on indefinitely. Under the new ordinance, Take Back Broward can apply the signatures collected before March 11 toward the 46,310 required, but those collected after March 11 are only valid for 180 days. Ralf Stores claims the new ordinance "has homosexual fingerprints all over it." He has declined to reveal how many signatures Take Back Broward has gathered.

∇ Local contact: Americans For Equality PAC, PO Box 4984, Fort Lauderdale, FL 33338; (407) 687-2966; Attn. Richard Georgiou.

HAWAII

The Hawaii state legislature is taking steps, as are dozens of other states, to head off the effects of the anticipated ruling by the Hawaii Supreme Court in favor of legalizing same-sex marriages in that state. On March 5, the House of Representatives voted 37-14 to approve a bill, HB 2366, that would put the issue to a statewide referendum in November. If two-thirds of the Senate also approve the bill, the question put to voters would be whether to amend the state's constitution to bar same-sex marriages. If Hawaiians vote to so amend, as current polls suggest they would, the Hawaii Supreme Court would then no longer be able to rule in *Baehr v. Lewin* that denying marriage licenses to gay couples violates the state constitution.

A 1993 state Supreme Court ruling said that the state had to show a compelling interest in denying marriage licenses to gay couples, which the court called unconstitutional discrimination on the basis of sex. The case was sent back to a trial court to give the state a chance to make its case. The trial is scheduled for this summer; whatever the outcome, the case is expected to return to the state Supreme Court for a final ruling. To support the state's case, the legislature passed a law in 1994 defining marriage as solely between a man and a woman; it also appointed a commission to study the issue of same-sex marriage. The commission issued a report last December, recommending by a 5-2 vote that

same-sex marriage be legalized. Thus experts predict that the state will not be able to argue a compelling interest in denying such marriages.

The House vote on HB 2366 surprised many, as House Speaker Joseph Souki said on February 5 that the House was willing to wait for the court decision. In recent months, the House Judiciary Committee had killed several bills relating to same-sex marriage and had shelved HB 2366. The bill was resurrected March 1, the day after Operation Rescue activist Randall Terry met with Hawaii lawmakers. Terry has been campaigning in the state with other anti-gay activists.

The Hawaii Senate, in the meantime, has been working on legislation to create domestic partnerships for homosexual and heterosexual couples in its own effort to avoid the need for same-sex marriage.

∇ Contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn. Evan Wolfson.

IDAHO

The Idaho Citizens' Alliance (ICA) is proceeding with its campaign for a statewide anti-gay ballot initiative, called "The Family and Child Protection Act," to be placed before voters in November 1996. The current initiative is similar to the ICA's Proposition 1, which was narrowly defeated at the polls in November 1994. If passed, it would prohibit state or local laws protecting gays and lesbians from discrimination. While Proposition 1 would have denied minors access to public library material concerning homosexuality, the new proposition requires minors to have parental consent or supervision to gain access.

The initiative was cleared by Idaho Attorney General Alan Lance on August 14, 1995 and the ICA has until July 5 to collect 41,335 registered voter signatures in order to put the initiative on the 1996 ballot. The organization is also collecting signatures for anti-abortion, pro-voucher, and anti-teachers' union initiatives.

Gay and lesbian rights supporters argue that Idahoans have already voted against legalized discrimination, and are determined to fight the ICA's new efforts. They are mounting a "Decline to Sign" campaign, an attempt to reduce the number of signatures gathered by the ICA. Public opinion polls conducted by Boise State University show that support for anti-gay initiatives has been decreasing since 1993. Only 38 percent of voters polled in the spring of 1995 supported Proposition 1.

On March 13, the Idaho Senate voted 28-4 to pass the anti-gay marriage bill there. It had been approved by the House on February 20, by a 59-6 vote. The bill amends an existing statute that says Idaho will recognize legal contracts, including marriages, that are legal in other states. Out-of-state marriages that violate Idaho's laws will not be recognized as valid in Idaho.

∇ State contact: No On 1 Coalition, PO Box 797, Boise, ID 83701; (208) 344-4295, Voice Mailbox #1; Attn. Nicole Prehoda.

ILLINOIS

Bloomington

In January, the Bloomington City Council voted 6-1 to reject an ordinance banning discrimination on the basis of sexual orientation, after it was vigorously opposed by the Illinois Christian Coalition and local conservative churches. When the ordinance was proposed last October, three council members supported it, and all but two said they might support it. In November, the city's Human Relations Commission voted 6-1 to recommend passing the ordinance, and Mayor Jesse Smart reported that mail received by city officials favored such passage. But the Christian Coalition mounted a petition drive and letter writing campaign that, according to the mayor, ultimately outdid organizing efforts in favor of the ordinance. One council member who had been firmly in support of the ordinance when it was proposed switched her vote, citing public opposition to the measure. Mayor Smart himself was against the proposal, saying, "Fundamentalist Christians ought not to be required to hire a gay janitor or a lesbian secretary if they don't want to," and the recommendation of City Corporation Counsel J. Todd Greenburg was against passing the ordinance because it might force people to go against their religious beliefs. Rick Garcia of the Illinois Federation for Human Rights argued that religious organizations are exempt from current human rights ordinances regarding hiring practices.

A local group formed to support the ordinance, the Advocacy Council for Human Rights, plans to continue efforts to educate the public about gay and lesbian issues and to eventually pass a gay and lesbian civil rights ordinance in Bloomington. In the adjacent city of Normal, the Human Relations Commission is considering adding protection on the basis of sexual orientation to its nondiscrimination ordinance.

∇ Local contact: Advocacy Council for Human Rights, PO Box 5048, Bloomington, IL, 61702-5048; (309) 830-2521; Attn. David Bentlin.

KENTUCKY

Numerous anti-gay bills have been introduced in the Kentucky General Assembly. Rep. Danny Ford introduced anti-sodomy amendments to two bills that are completely unrelated to sexual activity. The amendments would have gutted the original language of HB 219 and 392, and substitute language amending the state's Constitution to grant the General Assembly "the authority to define and punish sodomy, including between consenting persons." Constitutional amendments require the approval of three-fifths of both houses and then are put before the voters. HB 219 and 392 were sent back to committee, killing the amendments. Another bill, HB 864, currently in committee, aims to outlaw "deviate sexual intercourse" between persons of the same sex and also to prohibit state or local public agencies or government from using "their position, facilities or resources to sanction, legitimize, promote or condone" homosexuality.

The General Assembly has also considered four bills that would prohibit recognition of same-sex marriages in Kentucky. House Floor Amendment 1 to SB 68 and HB 500 declare same-sex marriages performed outside Kentucky to be invalid, and HB 500 also prohibits such marriages from being performed in Kentucky. HB 882 and SB 339 define marriage to be the union of one man and one woman for life. HB

500 and SB 339 are in committee at this time; House Floor Amendment 1 to SB 68 and HB 882 were recently withdrawn.

Three measures have been filed to make Kentucky an initiative state. The initiative or referendum process has been used in Colorado, Idaho, Oregon and Washington to put anti-gay and right-wing measures to a public vote. SB 245 and 277 are currently in committee; House Floor Amendment 1 to SB 118 was defeated.

∇ State contact: Kentucky Fairness Alliance, 2263 Frankfort Avenue, Louisville, KY, 40206; (502) 897-1973; Attn. Maria Price.

OHIO

Cincinnati

In May of 1995, the U.S. Court of Appeals overturned a district court ruling to reinstate Issue 3, the anti-gay ballot initiative passed in 1993. Issue 3 repeals the city's anti-discrimination protections and amends the city charter to prevent the future passage of any measures that would grant "minority or protected status" to gay men and lesbians. The ruling marks the first time a federal court has permitted the overturning of an existing anti-discrimination measure. The Cincinnati City Council and the anti-gay group, Equal Rights Not Special Rights (ERNSR) defended Issue 3 with the assistance of former Attorney General Edwin Meese and former Supreme Court nominee Robert Bork; Bork serves as co-counsel for ERNSR. Civil rights advocates led by Lambda Legal Defense and Education Fund argued against Issue 3.

In 1994, a U.S. district court judge ruled that the initiative infringes upon the political and civil rights of gay men and lesbians. However, the appeals court decision asserts that Issue 3 does *not* strip gay men and lesbians of their political rights because they are still allowed to vote. The Equality Foundation of Greater Cincinnati, Housing Opportunities Made Equal, and five gay people are the plaintiffs who have requested review of the appellate court decision in the U.S. Supreme Court, which has not yet agreed to hear the case.

Meanwhile, Equal Rights Not Special Rights is joining in the National Campaign to Protect Marriage, distributing advance copies of the Marriage Protection Resolution and the new video "The Ultimate Target of the Gay Agenda: Same Sex Marriage."

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn. Suzanne Goldberg.

OKLAHOMA

In February, the Oklahoma House of Representatives almost unanimously passed a resolution, HR 1045, in support of "traditional family values." Introduced by House Majority Leader Rep. Lloyd Benson, the resolution states that "Homosexuality, lesbianism and bisexuality should not be taught as a natural lifestyle in the public schools" and that "Persons who are homosexuals, lesbians or bisexuals should not be permitted to adopt or provide foster care to children" in the state. The resolution originally included a

clause stating that homosexuals "should not be entitled to any special status under the law," but that clause was dropped. Resolutions do not have the force of law but may affect policymaking and appropriations by and for state agencies.

On March 5, the Oklahoma House voted 98-2 to pass a bill to prohibit the recognition of same-sex marriages performed in other states. The bill is now in the Senate Judiciary Committee.

∇ State contact: Oklahoma Lesbian and Gay Political Caucus, PO Box 61186, Oklahoma City, OK, 73146; (405) 791-0202; Attn. Paul Thompson, Co-Chair.

OREGON

The Oregon Citizens Alliance (OCA) is gathering signatures for its latest attempt to pass a statewide anti-gay ballot initiative, though OCA Chair (and now U.S. Senate candidate) Lon Mabon said recently that the group only has about 10,000 so far. The group has to collect 97,681 signatures by July 1996 in order to qualify the measure for the November 1996 ballot. OCA-sponsored initiatives were narrowly rejected by voters in 1992 and 1994. The current measure would amend the state constitution to prohibit the granting of minority status on the basis of "sexual behavior or desires," prohibit spending of public funds "in a manner that has [the] purpose or effect of expressing approval of homosexuality," and restrict minors' access to public library materials "which promote or express approval of homosexuality." The measure also asserts that moral opposition to "certain sexual behaviors such as homosexuality" constitutes a "Right of Conscience" and therefore is not to be considered "discrimination."

In 1995, the Oregon Court of Appeals upheld a state law passed in 1993 that prohibits localities from enacting city and county ordinances dealing with sexual orientation. The decision reaffirmed a Marion County Judge's ruling last year. Through the OCA's efforts, 26 localities throughout the state have passed anti-gay measures. Meanwhile, the U.S. Supreme Court is considering the constitutionality of Colorado's anti-gay Amendment 2.

∇ State contact: Basic Rights Oregon, PO Box 40625, Portland, OR 97240; (503) 222-6151; Attn. Julie Davis, Executive Director.

SOUTH DAKOTA

Gov. Bill Janklow signed HB 1143, a bill to limit the state's definition of marriage to that "between a man and a woman." South Dakota now joins Utah in banning gay and lesbian marriages. Though the Senate Judiciary Committee had voted to kill the bill, the full Senate voted to "smoke out" the bill, returning it to the floor for a full vote and passing it 26-8. HB 1143 passed the House following a similar move in that body: although the House State Affairs Committee had voted 7-6 against HB 1143, the full House brought it back to the floor and passed it, 49-18. The House also passed a motion by the bill's sponsor, Republican Rep. Roger Hunt, to strike the word "not" from the State Affairs Committee's "do not pass" recommendation. "Hunt is trying to cover up the State Affairs Committee's disapproval of his hatred [of gays and lesbians]," said Barry Wick, a gay-rights activist. Hunt was the prime sponsor of a similar bill last year that passed the House but died in a Senate committee, coming only one vote short of being placed on the calendar for debate by the full Senate.

Though South Dakota currently grants marriage licenses only to heterosexual couples, Hunt argues that his bill is necessary to prevent South Dakota from being forced to recognize same-sex marriages performed in other states. Hunt also argues that without his proposed law, businesses might be required to provide benefits to "associates or gay spouses" of homosexuals. The Eagle Forum and the South Dakota Family Policy Council, an affiliate of Focus on the Family, supported HB 1143.

∇ State contact: Free Americans Creating Equal Status of South Dakota (FACESSD), Inc., 13121 South Creekview Road, Rapid City, SD, 57702-8503; (605) 343-5577; Attn. Barry Wick, Executive Director; e-mail: facessd@aol.com

UTAH

A request by a group of Salt Lake School District students at East High School for permission to form a Gay/Straight Student Alliance prompted conservative Utah legislators to consider banning all extracurricular clubs from Utah public schools, even if it would mean losing federal funding for the schools. The state legislature passed SB 246, a bill "prohibiting schools from supporting illegal conduct," that was vetoed by the governor but then placed on the agenda of a special legislative session on April 17 in order to fix the bill's language. Another bill, SB 262, which requires students to obtain their parents' permission to participate in student clubs, was introduced and passed out of the Senate Judiciary Committee but subsequently expired. Meanwhile, the Salt Lake City School Board voted to ban all noncurricular clubs in order to block the formation of the Gay/Straight Alliance there.

After receiving the students' request last fall, Salt Lake Superintendent Darline Robles asked State Superintendent Scott W. Bean to review the issue. He in turn asked the Utah Attorney General's office, which issued a statement that "high school clubs must be treated equally regardless of their controversial or conventional status or lose federal funds," according to the federal 1984 Equal Access Act. A U.S. Supreme Court decision in 1990 also stated that if a school allows some non-curricular clubs, it has to allow others. Ironically, both the federal law and the court case were the results of efforts to protect Christian and other religious clubs.

When the story of the Gay/Straight Alliance made the papers on December 22, the Utah Eagle Forum led an assault against the club. Many members of the community then turned out at a rally on January 5 to support the club and formed the Citizens' Alliance for Hate Free Schools. On January 11, the school board passed a resolution expressing "concern over the formation of any organizations in school that may create a disruptive or unsafe atmosphere for children or that may attract or entice children to make decisions that could have a long-term negative impact on their lives."

On January 30, a group of Utah senators held a closed caucus to discuss possible strategies, including the elimination of *all* extracurricular clubs in the state's public schools. "It's Draconian, " said Senate Minority Leader Scott Howell, a Democrat who was present at the meeting. "We'd shut down the rodeo club, the debate club, the ski club. Everything." Some conservative senators reportedly used the meeting, at which several state education officials were present, as an opportunity to accuse teachers of advocating homosexuality among students. An excerpt from the anti-gay video "Gay Rights, Special Rights" was shown. Gay and Lesbian Utah Democrats (GLUD) has expressed its outrage at the

"outrageous gay baiting" by the senators and claimed that the lawmakers violated the state Open Meetings Act. On February 6, the Utah Human Rights Coalition and the Citizens' Alliance for Hate Free Schools held a rally to protest the secret meeting.

On February 20, the Salt Lake City Board of Education voted 4-3 to ban all noncurricular clubs, including young men's and women's associations, ethnic and religious clubs, volunteer groups, honor societies, environmental and human rights organizations, and sports and games clubs. More than a hundred speakers addressed the board during a public hearing, most in favor of allowing the clubs. "I think they're punishing all of the Salt Lake City School District because they're afraid of one club," said one student about the board's decision. Another student seemed to blame the Gay/Straight Alliance members. "Everyone suffers because of the gays," he said. The gay/straight student group had already been meeting informally, and students at two other high schools had also requested permission to form Gay/Straight Student Alliances.

On February 23, hundreds of students walked out of two Salt Lake City public high schools to protest the board's decision. On March 2, over 2,000 students, parents, and activists marched and rallied at the state capitol to register their protest as well. Meanwhile, an attorney met with Utah School Boards Association members and told them that districts can single out controversial student clubs and prohibit them for being disruptive.

∇ State contact: Utah Human Rights Coalition, PO Box 521242, Salt Lake City, UT, 84152-1242; (801) 484-5291; Attn. Charlene Orchard, Co-Chair; e-mail: cdorchard@earthlink.net

WASHINGTON

On December 29, two proposed anti-gay statewide initiatives were officially defeated, since sponsors failed to get enough signatures to qualify the initiatives for the November 1996 ballot. In 1994, the same sponsors failed to get enough signatures to place their anti-gay initiatives on the ballot; this time they submitted their initiatives to the state legislature. That strategy allowed them additional time to gather signatures and influence legislators. Nevertheless, they failed to gather 181,667 valid signatures for each initiative by December 29, 1995. If they had succeeded, the measures would have gone before the state legislature for review in 1996.

The Washington Committee for Equal Rights, Not Special Rights (WCERNSR), which sponsored 1994's proposed statewide anti-gay Initiative 608, had been gathering signatures for a similar measure, Initiative 166, which garnered over 100,000 signatures. Initiative 166 aimed to deny sexual minorities legal protections and to prohibit homosexuality, bisexuality, transsexuality, and transvestitism from being "presented, promoted, or approved as positive, healthy, or appropriate behavior." The Citizens Alliance of Washington (CAW), which sponsored 1994's proposed anti-gay Initiative 610, had been gathering petition signatures for Initiative 167, entitled the "Responsible Adoptions Act." 40,000 signatures were collected for that measure, after which sponsors stopped counting. Initiative 167 aimed to bar "person(s) who practice homosexuality," as well as unmarried heterosexual couples and single people, from adopting or providing foster care to minor children. CAW also attempted to pass its adoption proposal legislatively. A group of 16 state representatives, led by Rep. Val Stevens, introduced House Bill 1171, which stated that

"it is not in the best interest of a minor child...to be placed in a household with a homosexual, bisexual, transsexual, or transvestite...." The bill was shelved by the House Law and Justice Committee.

Gay and lesbian rights supporters mounted a massive coalition effort to defeat the initiatives, including a Decline to Sign educational campaign by Bigot Busters and the gathering of 50,000 signatures on the Northwest Pledge Against Discrimination by Hands Off Washington. In February, WCERNSR disbanded; this month, CAW followed suit, citing the poor health of its leader, Sam Woodard. On February 28, a new initiative, identical to 608 and 166, was filed by Mark Roshak, who is affiliated with a new group, Washingtonians Opposed to Homosexual Policies. Initiative 669 was filed to the people, not the legislature, and so will go directly to the ballot if enough signatures can be gathered.

In February, the Washington House voted 66-30 to pass a bill that specifically prohibits same-sex marriages and the recognition of such marriages performed in other states. The bill, HB 2262, was sponsored by Republican Rep. Bill Thompson and at least 15 other Republicans. The bill died in the Democratic-controlled Senate.

∇ State contact: Hands Off Washington/Washington Citizens for Fairness, 1202 E. Pike, Ste. 532, Seattle, WA 98122, (206) 323-5191; Attn. Lois Canright or Kelly Evans; e-mail: howwcf@aol.com

∇ Legislative contact: The Privacy Fund, 1202 E. Pike, Seattle, WA 98122; (206) 292-2486; Attn. Carol Sterling, Executive Director.

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The information in this report was obtained from national and grassroots organizations, activists, and media, including the following:

∇ *Gay and Lesbian Alliance Against Defamation (GLAAD), 150 W. 26th Street, Suite 503, New York, NY, 10001; (212) 807-1700; glaad@glaad.org*

∇ *Gay and Lesbian Alliance Against Defamation/San Francisco Bay Area (GLAAD/SFBA), 1360 Mission Street, Suite 200, San Francisco, CA, 94103; (415) 861-4588; glaadsfba@aol.com*

∇ *Gay, Lesbian, and Straight Teachers Network (GLSTN), 122 W. 26th Street, Suite 1100, New York, NY, 10001; (212) 727-0135; GLSTN@glstn.org*

∇ *Human Rights Campaign (HRC), 1101 14th Street, NW, #200, Washington, DC 20005; (202) 628-4160; hrc@hrcusa.org*

∇ *Lambda Legal Defense and Education Fund, Inc., 666 Broadway, New York, NY 10012-2317;(212) 995-8585*

∇ *National Advocacy Coalition on Youth and Sexual Orientation (NACYSO), 1025 Vermont Avenue, NW, Suite 200, Washington, DC, 20005; (202) 783-4165 x49*

- *National Gay and Lesbian Task Force (NGLTF), 2320 17th Street, NW, Washington, DC 20009-2702; (202) 332-6483; ngltf@ngltf.org*

- *Parents, Families and Friends of Lesbians and Gays (P-FLAG), 1012 14th Street, NW, # 700, Washington, DC 20005; (202) 638-4200; PFLAGNTL@aol.com*

- *PERSON Project (Public Education Regarding Sexual Orientation Nationally)/Jessea Greenman, 586 62nd Street, Oakland, CA 94609-1245; (510) 601-8883; jessea@uclink2.berkeley.edu*